The Gifts of Mary Dunlap (1949-2003)

Wendy Webster Williams
Georgetown University Law Center, williaw@law.georgetown.edu

This paper can be downloaded free of charge from:
https://scholarship.law.georgetown.edu/facpub/282
March 2010

The Gifts of Mary Dunlap (1949-2003)*


Wendy Webster Williams
Professor of Law
Georgetown University Law Center
williaw@law.georgetown.edu

This paper can be downloaded without charge from:
Scholarly Commons: http://scholarship.law.georgetown.edu/facpub/282/

Posted with permission of the author

The Gifts of Mary Dunlap (1949-2003)

Wendy Webster Williams†

I guess it never really occurred to me that Mary was mortal. It certainly never crossed my mind that I would somehow be around, alive and kicking, in a world without Mary in it. Mary Cynthia Dunlap, larger than life, a force of nature, who filled up a room with her presence, her tall solid self, her waving arms, her energy, her laugh, her voice, her words and words and more words, her hair that (of course) stood straight up on her head, electrified. Mary who, Saint Frances-like, rescued birds and fed them in her big palms, loved dogs and cats, painted elephants, giraffes, and multicolored fish. Mary the poet, the painter, the survivor, the diver-into-the-cold-Pacific-Ocean-just-for-fun. Mary the gifted and the generous giver of gifts—of poetry, of paintings, of warm notes of condolence or congratulation, of time, of her self. Mary the loving partner of Maureen. Mary the lawyer, all reasoned passion or passionate reason, fighting for justice, for equality, for dignity and respect, for liberation, year after year. Mary the indomitable, the indefatigable.

I met Mary in law school, at Boalt, in the late 1960s. She was a year behind me, and Nancy Davis (of whom more in a moment) was a year behind her. We were in law school in exciting, even revolutionary, times. By the late sixties, the civil rights movement of the early and mid-sixties was mingling with the growing protest against the Vietnam War and the very beginnings of a movement for women’s equality. I remember, toward the end of my second year, that Professor Herma Hill Kay called a meeting of the women students at Boalt. She told us that the women faculty of the Berkeley campus had met and agreed to go back to their students and talk to them about joining together to improve women’s status in academia. Her words were seeds on fertile ground; we formed the Boalt Hall Women’s Association and came back the next fall ready to work. Mary and Nancy, with the help of a custodian named Andy, liberated the women’s restroom and turned it into an office for the Boalt Hall Women’s

Copyright © 2004, The Regents of the University of California.
† Professor of Law, Georgetown University Law Center. Special thanks to the Berkeley Women’s Law Journal editor Rachael Burnson, whose tactful prompting and sensitive editing got me past the pain and down to business, and to Maureen Mason, whose e-mailed hug made it all worthwhile.

BERKELEY WOMEN’S LAW JOURNAL 12
Association. The Boalt Hall Women’s Association recruited women to come to law school (our slogan: “Wanted by the Law: Women!”), held breakfasts with judges to urge them to open clerkships to women, battled employers reluctant to hire women, brought in speakers, challenged sexism in the classroom, and educated ourselves about the limits and disadvantages the law imposed on women. In an era when young people went into law thinking they could change the world for the better, some of the young women of Boalt Hall became feminists. And Mary, Nancy, and I, bitten by the bug, were on the verge, although we didn’t know it yet, of launching a great adventure together.

The next year, I was clerking for Justice Raymond Peters on the California Supreme Court, Mary was in her third year, and Nancy Davis was in her second. In the spring of 1971, the California Supreme Court, in a case called Sail’er Inn v. Kirby, struck down a law prohibiting women from bartending, holding that it denied women equal protection of the laws; Herma Hill Kay and her students (including, if I remember correctly, Mary and Nancy) had submitted an amicus brief. Justice Peter’s opinion for the Court made history by declaring sex a suspect classification.

Later that spring, Herma Hill Kay, Mary, Nancy, and I all attended a conference at Yale Law School on Women and the Law. Yale law students Barbara Brown, Ann Freedman, and others had great plans for us. They had put together a thirty-four page collection of reading lists on various subjects related to women and law (a few years later, those lists morphed into the first casebooks on sex discrimination and law); their aim was to send all the attendees back home equipped to teach a new subject in the country’s law schools—Women and the Law. So there we were in New Haven, Mary, Nancy, and I, inspired by the conference, with our teaching materials in hand, dreaming of gender justice, when inspiration struck. With encouragement from Herma Hill Kay, we began to imagine our future work: we would found a law firm devoted to gender equality and women’s rights.

It would be a while before the stars were properly aligned. Mary was about to graduate from law school; Nancy had another year to go. But finally, as 1972 turned into 1973, the pieces began to fall into place. We rented a bright, open space upstairs from California’s first public interest law firm, Public Advocates, and just a few blocks from the state and federal court buildings in San Francisco. Nancy loaned Mary and me money so we could eat; a good friend, Nancy Kreinberg, provided the roof over my head. In partnership with Barbara

1. 485 P.2d 529 (Cal. 1971).
2. Id. at 539.
Babcock, Stanford's first woman law professor, we negotiated with Eli Evans of the Carnegie Foundation (and Barbara's Yale Law School classmate) for what seemed to us a huge grant. When the Carnegie grant came through, Davis, Dunlap and Williams became Equal Rights Advocates, a nonprofit law firm devoted to reforming gender-based laws and practices and teaching a clinical program for Stanford law students.

And what a glorious time we had. Our office was a huge square with cubicle- offices around the perimeter and a big open space with a table in the middle, where we held meetings and classes with our students. We squabbled, we celebrated, we worked ridiculously long hours; on Friday afternoons, Nancy would bring out her guitar and all of us—the staff, the students, the assorted others who happened to be around—would sing and drink cheap red wine. We developed a Women and the Law course, which we taught together at University of San Francisco, University of Santa Clara, Golden Gate University, and then at Stanford, in connection with our clinical program—we called it our "traveling road show." While we all did everything in the law office, we each brought special strengths: Mary was the litigator, quick on her feet, ferocious and eloquent on behalf of our clients; Nancy was our negotiator, mediator, fundraiser; I was a brief-writer and editor. By then we also had a fourth lawyer, smart and savvy Joan Graff, a Columbia law graduate with a little daughter, Samantha. Joan worked parttime as a mother and parttime with us—she called us a bunch of cowgirls and tried her best to civilize us. Everybody in the office, lawyers and secretaries, earned the same amount—$12,000 per year.

Each of us, Mary, Joan, Nancy, and me, eventually moved on to other jobs, but I guess I was the first of us to leave Equal Rights Advocates. Around the time that I was leaving San Francisco in July 1976, to head for Washington, D.C. and a job teaching law at Georgetown University, Mary, giver of gifts, gave me an extraordinary, priceless gift—a book of her poems, eighty-two hand-written pages of them, intermixed with ink line drawings and one joyous watercolor page of PEACE and flowers, right in the middle. These poems, she wrote in the branches of a peagreen watercolor tree on the first page, were a decade of her best, "some old ones you've seen and like and some new ones of hopefully the same variety—the blank pages will be full of the future." This is the last poem, on page eighty-two, before the blank pages:

ADVENTURE (For Wendy)
Chance throws us out, marbles rolling
Across the Rockies, down the
Himalayas,
Every which way. It was not gold
That made the Rush, but
Feelings.
And passion put the wheels on autos,
And before that, strong emotions
Shoed the horses.
Sure, luck gave some the valley trail
And ample water. Luck put the
Butterfly atop Columbus’ orange.
But mind, mind,
Mind drove the horses, found springs
Edible plants, comfort.
Mind put the insight gleam
In Galileo’s eyes
And in the eyes of Sojourner Truth
And in yours
And neither chance’s marble roll
Or luck’s draw can
Take away the insight gleam
From you, in this and
Every other
Life adventure.

Fortified by those early years at Equal Rights Advocates, none of us ever
lost our commitments to equal justice nor ever ceased working for gender equal-
ity. Mary continued her world-changing ways, teaching, speaking, and litigat-
ing—her charisma, energy, humor, and compassion inspiring successive genera-
tions of young lawyers and activists to work for social justice. She developed a
sexual orientation class that she taught at several Bay Area law schools. She
represented an air traffic controller discharged from the military because of her
sexual orientation; a pregnant school teacher who was sent home on mandatory
maternity leave even though she was ready, willing, and able to continue work-
ing; a Boalt Hall professor in her sex discrimination case for denial of tenure; women seeking to be firefighters in the San Francisco Fire Department; and
the Gay Olympic Games in its fight to keep the word “Olympics” in its name. She
continued to write—law review articles, poetry, a memoir. She took a few years
away from law to paint, write, and address, with her characteristic honesty and
intensity, the psychological consequences of her childhood abuse. In 1996, she

5. Nancy Davis remained at ERA for many more years, becoming its executive director. On
January 23, 2003, Nancy Davis was sworn in as a judge of the San Francisco Superior Court.
became executive director of the Employment Law Center and is now president of the Legal
Aid Society of San Francisco. THE LEGAL AID SOCIETY-EMPLOYMENT LAW CENTER,
dorf, 632 F.2d 788 (9th Cir. 1980).
8. See Stephen Schwartz & Bill Wallace, Cop Watchdog Chief Quits—Law Professor to Get
became head of the Office of Citizen’s Complaints, San Francisco’s police watchdog agency," and it’s safe to say that San Francisco never had such a remarkable watchdog.

When Mary’s pancreatic cancer was diagnosed in August 2001, she tackled her illness the way she approached everything else—with honesty, determination, and humor. Maureen constructed a website to report Mary’s progress filled with photos, art, Mary’s reflections, and letters of encouragement from friends. Anybody could find out how Mary was doing by visiting marydunlappancreas.org. I last saw Mary at her 54th birthday party, at home with Maureen, surrounded by people who loved her and her beloved dogs. She was thin, but her hair still stood on end, her warmth and humor abounded. We ate, played Scrabble, talked, reminisced. We thought that she had beaten the cancer.

On January 17, 2003, Mary’s great, generous, adventurous heart stopped beating. A few days later someone—it must have been Maureen—posted on the website these lines, taken from a poem by Mary’s favorite poet, Mary Oliver. For me it captured perfectly the challenge to us, the living, implicit in Mary’s extraordinary life, so I pass Mary’s challenge on to you:

\[
\text{Doesn’t everything die at last, and too soon?}
\text{Tell me, what is it you plan to do}
\text{with your one wild and precious life?}\]